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EXAMINER	
WILDER, PETER C	

ART UNIT	PAPER NUMBER
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,348	IVANYI, THOMAS P.	
	Examiner	Art Unit	
	Peter C. Wilder	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *29-82* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29-82* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 September 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character 27 in figure 2 has been used to designate both element XMTR (To Television) and element CPU. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Page 20 line 15 details and other pages have element 21 the CPU which is not in referenced in Figure 1 or 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be

labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because the on page 21 line 23 and going onto page 22 line 1 element 32 is described as a polling signal transmitter when in the Figure 2 element 32 is described as the remote control receiver. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Page 23 details elements 33E, 33F, and 33G which are not shown in figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

5. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claim 29 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 2 + 7 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

"An integral unit for measuring viewer behavior related to television content displayed on a television, the television being situated in one of a plurality of viewing premises, the integral unit comprising:" equates to "a viewer event and tuning..." of claim 1. The examiner equates "devices" at the viewing premises of the patent to "integral unit" of the application. The claimed "television content displayed on a television" equates to "a television signal receiver..." of claim 2. The examiner take official notice that it is notoriously well known in the art for television content to be displayed on a television for the purpose of allowing the viewer to see the television content.

"a monitoring device for uninterrupted and passive continuous monitoring of viewer behavior at each of the polarity of viewing premises" equates to "a plurality of signal receiving..." and "a viewer event and tuning...," of claim 1, "the monitoring device monitoring an event data generated upon occurrence of an event to ascertain the responses of a viewer to program and advertising content for the purpose of assessing the effectiveness of the programming and advertising content" equates to "a system for uninterrupted...;" of claim 1,

"an event timing device for recording a time occurrence of the event and for generating a time-stamped data representative of the time occurrence corresponding to the event data;" equates to "an event timing device..." of claim 1,

"a data latching device for continuous capturing and storing of the time-stamped data and the event data;" equates to "a data latching..." of claim 1,

"a database for storing the time-stamped data and event data captured and stored by the data latching device," equates to "a database for storing..." of claim 1, "wherein the programming and advertising content is transmitted to the television with an Internet access signal." The examiner takes Official Notice that it is notoriously well known in the art for programming and advertising content to be transmitted to a television via an Internet access signal. Consequently, it would have been clearly obvious for a person at the time the invention was made, to modify "The system of claim 1..." of claim 7 to include the Internet as a means for transmitting the television the content for the purpose of allowing people to be able to receive the content since the Internet is widely used by consumers.

Claim 30 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 2 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

The claimed "The integral unit of claim 29, wherein the integral unit is a central processing unit" equates to "a control device for controlling said signal receiving device" of claim 2.

Claim 31 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 2 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

The claimed "The integral unit of claim 29, wherein the integral unit is a memory device in communication with a central processing unit" equates to "a database for storing the..." of claim 1 and "control device for controlling..." of claim 2. The examiner views the database to be the same as memory. The examiner views "control device" to be the same as a "central processing unit".

Claim 34 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 3 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

The claimed "The integral unit of claim 29, wherein the integral unit communicates with an input device to enter commands into the integral unit" equates to "The system of claim 1, wherein....a viewer input device...." of claim 3. The examiner notes to be able to control the input device communication would have to occur between the two.

Claim 48 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 7 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

The claimed The integral unit of claim 29, wherein the programming and advertising content is transmitted to the television via at least one of a television communication system, a telephone communication system, a wireless communication system and a fiber optic communication system" equates to the system of claim 1, wherein television..." of claim 7. The examiner notes advertising and programming are included in the "television signals."

Claim 49 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 7 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

The claimed "An integral unit for measuring viewer behavior related to television content displayed on a television, the television being situated in one of a plurality of viewing premises" equates to "a viewer event and tuning alternative..." of claim 1 but fails to teach displaying on a television.

Wignot (U.S. 5532733) teaches displaying television content on a television (Column 2 lines 44-51 and Figure 1 teaches receiving cable television and then having a display device)

At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to use the displayed on a television function/device of Ivanyi using the television for a display function/device of Wignot for the purpose of being able to see the television content.

"at least one of the plurality of viewing premises being a public location, the public location being at least one of a hotel, a bar, a hospital, an office, an airport, a train station and a bus station, the integral unit comprising:" equates to "a plurality of signal receiving..." of claim 1. The examiner notes from the patent that a plurality of viewing premises could include an integral unit in a hotel.

"a monitoring device for uninterrupted and passive continuous monitoring of viewer behavior at each of the plurality of viewing premises, the monitoring device monitoring an event data generated upon occurrence of an event to ascertain the responses of a viewer to program and advertising content for the purpose of assessing the effectiveness of the programming and advertising content" equates to (see rejection of claim 29);

"an event timing device for recording a time occurrence of the event and for generating a time-stamped data representative of the time occurrence corresponding to the event data" equates to (see rejection of claim 29);

"a data latching device for continuous capturing and storing of the time-stamped data and the event data" equates to (see rejection of claim 29); and

"a database for storing the time-stamped data and event data captured and stored by the data latching device, wherein the programming and advertising content is transmitted to the television with an Internet access signal" equates to (see rejection of claim 29).

Claim 50 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 7 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

The claimed "An integral unit for measuring viewer behavior related to television content displayed on a television, the television being situated in a plurality of viewing premises, the integral unit measuring viewer behavior at less than all of the plurality of viewing premises" equates to (see rejection of claim 49), "the integral unit measuring viewer behavior at less than all of the plurality of viewing premises" The examiner takes Official Notice that it is notoriously well known in the art for a feature to be able to disabled. Consequently if would have been clearly obvious for a person at the time the invention was made, to modify "The system of claim 1..." to be able to function with the integral unit not measuring viewer behavior the purpose of providing personal privacy.

the integral unit comprising: (for the rest of the rejection claim 50 see rejection of claim 49)

Claim 51 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 7 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

The claimed "A set top box for measuring viewer behavior related to television content displayed on a television, the television being situated in one or a plurality of viewing premises" equates to (see rejection of claim 49). Armstrong teaches a set top

box being the interactive enabling device (Column 5 lines 23-24), the set top box comprising:

(For rest of the rejection of claim 51,see rejection of claim 29)

Claim 52 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 7 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

(See rejection of claim 34 and the rejection of claim 51 for set top box embodiment.)

Claim 66 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 7 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

(See rejection of claim 48)

Claim 67 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 7 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

(See rejection of claim 51 and the examiner views cable box to be the same as set top box)

Claim 68 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 7 of U.S. Patent No. 6286140.

Although the conflicting claims are not identical, they are not patentably distinct from each other because:

(See rejection of claim 34 and the rejection of claim 67 for cable box embodiment.)

Claim 82 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 7 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

(See rejection of claim 48)

Claims 35-44, 53-62, 69-78 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 + 3 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

The examiner takes Official Notice that from claims 1+3 in the patent all the listed claims are clearly obvious variations of different types of input devices and means for monitoring the input devices.

At the time the invention was made it would have been clearly obvious for one skilled in the art, to allow for all the different types of claimed input devices and monitoring of the input devices to be included in the invention for the purpose of being able to compile as much different types of viewer behavior as possible.

Claims 45-47, 63-65, 79-81 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6286140. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

For the listed claims these are clearly obvious variations of different types of display devices.

At the time the invention was made it would have been clearly obvious for one skilled in the art, to allow for different types of display devices to be able to be used with the integrated unit for the purpose of being able to allow people who had one display device but not the other kind to still be able to buy the integrated unit thus increasing sales.

With regards to claims 29, 49, 50, 51, and 67 the examiner does not recognize the prior priority date of the parent patent for this application under the rules of a CIP because new matter not disclosed in the parent patent has been included in the claims. The new matter disclosed in the listed claims is "programming and advertising content is transmitted to the television with an Internet access signal." The claims listed above and all dependent claims of the claims listed will be examined with the priority date of 31 August 2001.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 29-35, 40, 45, 50-53, 58, 63, 67-69, 74, 79 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al (U.S. 6177931 B1).

Referring to claim 29, Alexander teaches an integral unit for measuring viewer behavior related to television content displayed on a television, the television being situated in one of a plurality of viewing premises (Column 28 lines 30-32 teaches an EPG that monitors a viewers actions; Column 5 lines 20-53 teaches an embodiment of the unit the EPG resides on), the integral unit comprising:

a monitoring device for uninterrupted and passive continuous monitoring of viewer behavior at each of the polarity of viewing premises (Column 29 lines 22-23 teaches continuously capturing information; Column 35 teaches the EPG and related unit are located in a home thus a viewing premise), the monitoring device monitoring an event data generated upon occurrence of an event to ascertain the responses of a viewer to program and advertising content for the purpose of assessing the effectiveness of the programming and advertising content (Column 28 lines 32-44 teaches a user event occurring and the device monitoring the change related to programming and advertising; Column 5 lines 20-53 details a device the EPG resides and functions on);

an event timing device for recording a time occurrence of the event and for generating a time-stamped data representative of the time occurrence corresponding to the event data (Column 28 line 35);

a data latching device for continuous capturing and storing of the time-stamped data and the event data (Column 28 lines 32- 35 teaches the recording of the time and channel change information), and

a database for storing the time-stamped data and event data captured and stored by the data latching device (Column 29 lines 14-21 teaches the data collected by being sent to the headend to be analyzed; Column 5 lines 24-25 teaches the unit containing RAM and ROM type memory), but fails to teach wherein the programming and advertising content is transmitted to the television with an Internet access signal (Column 8 lines 44-52).

Referring to claim 30, corresponding to claim 29, Alexander teaches wherein the integral unit is a central processing unit (Column 5 lines 23-24 teaches a processor in the integral unit).

Referring to claim 31, corresponding to claim 29, Alexander teaches wherein the integral unit is a memory device in communication with a central processing unit (Column 5 lines 23-25).

Referring to claim 32, corresponding to claim 31, Alexander teaches wherein the integral unit is a memory device in communication with a central processing unit (Column 5 lines 23-25).

Referring to claim 33, corresponding to claim 31, Alexander teaches wherein the integral unit is a memory device in communication with a central processing unit (Column 5 lines 23-25).

Referring to claim 34, corresponding to claim 29, Alexander teaches wherein the integral unit communicates with an input device to enter commands into the integral unit (Column 5 lines 24-25 teaches IR input and output and Column 3 lines 20-25 teaches a specific input device a remote control).

Referring to claim 35, corresponding to claim 34, Alexander teaches wherein the input device is a keypress device (Column 3 lines 20-25 teaches a specific input device a remote control with keys on it).

Referring to claim 40, corresponding to claim 29, Alexander teaches wherein the monitoring device further comprises a keypress device (See rejection of claim 36)

Referring to claim 45, corresponding to claim 29, Alexander teaches wherein the television is a computer monitor (Column 3 lines 3-7).

Referring to claim 50, Alexander teaches an integral unit for measuring viewer behavior related to television content displayed on a television, the television being situated in one of a plurality of viewing premises, the integral unit measuring viewer behavior at less than all of the plurality of viewing premises (The examiner does not have to give the preamble any patentable weight since the body of the claim does not depend on the preamble for completeness), the integral unit comprising:

See rejection of claim 29 for the rest of the rejections to the limitations of the claim.

Referring to claim 51, see rejection of claim 29 the examiner views a set top box to be the same as an integral unit.

Referring to claim 52, see rejection of claim 34.

Referring to claim 53, see rejection of claim 35.

Referring to claim 58, see rejection of claim 40.

Referring to claim 63, see rejection of claim 45.

Referring to claim 67, see rejection of claim 29 the examiner views a cable box to be the same as an integral unit.

Referring to claim 68, see rejection of claim 34.

Referring to claim 69 see rejection of claim 35.

Referring to claim 74, see rejection of claim 40.

Referring to claim 79, see rejection of claim 45.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 36, 39, 41, 54, 57, 59, 70, 73, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al (U.S. 6177931 B1) in view of Smolen (U.S. 5915243 B1).

Referring to claim 36, Alexander teaches all the limitations in claim 34, but fails to teach wherein the input device is a mouse device.

Smolen teaches wherein the input device is a mouse device (Column 3 lines 51-54).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the input function/device of Alexander using mouse input function/device of Smolen for the purpose of allowing a person to answers question on a television to create a information profile (Column 3 lines 10-15 Smolen).

Referring to claim 39, Alexander teaches all the limitations in claim 34, but fails to teach wherein the input device is a voice-activated input device.

Smolen teaches wherein the input device is a voice-activated input device (Column 3 lines 51-54).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the input function/device of Alexander using voice-activated input function/device of Smolen for the purpose of allowing a person to answers question on a television to create a information profile (Column 3 lines 10-15 Smolen).

Referring to claim 41, corresponding to claim 29, wherein the monitoring device further comprises a mouse device (see rejection of claim 36).

Referring to claim 54, see rejection of claim 36.

Referring to claim 57, see rejection of claim 39.

Referring to claim 59, see rejection of claim 41.

Referring to claim 70 see rejection of claim 36.

Referring to claim 73, see rejection of claim 39.

Referring to claim 75, see rejection of claim 41.

Claim 37, 42, 43, 55, 60, 61, 71, 76, 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al (U.S. 6177931 B1) in view of Schutte (U.S. 5319454 B1).

Referring to claim 37, Alexander teaches all the limitations in claim 34, but fails to teach wherein the input device is an optical scanning device.

Schutte teaches wherein the input device is an optical scanning device (Column 5 lines 18-46 teaches a bar code reader).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the input function/device of Alexander using optical

input function/device of Schutte for the purpose of allowing a person to acquire programs of individual events either in advance of the broadcast of the event over the CATV system or on demand thereby enhancing the system to provide pay per view (PPV) facilities (Column 1 lines 13-20 Schutte).

Referring to claim 42, corresponding to claim 29, wherein the monitoring device further comprises a scanner device (see rejection of claim 37).

Referring to claim 43, corresponding to claim 42, wherein the scanner device further comprises an optical scanner (see rejection of claim 37).

Referring to claim 55, see rejection of claim 37.

Referring to claim 60, see rejection of claim 42.

Referring to claim 61, see rejection of claim 43.

Referring to claim 71, see rejection of claim 37.

Referring to claim 76, see rejection of claim 42.

Referring to claim 77, see rejection of claim 43.

Claim 38, 44, 49, 56, 62, 72, 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (U.S. 6177931 B1) in view of Erlin (U.S. 6275991 B1).

Referring to claim 38, Alexander teaches all the limitations in claim 34, but fails to teach wherein the input device is a magnetic scanning device.

Erlin teaches wherein the input device is a magnetic scanning device (Column 3 lines 26-35).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the input function/device of Alexander using magnetic input function/device of Erlin for the purpose of transmitting financial data read from the magnetic stripe of the card to a receiver that is equipped to receive the data (Column 1 lines 58-61, Erlin).

Referring to claim 44, corresponding to claim 42, wherein the scanner device further comprises a magnetic scanner (see rejection of claim 38).

Referring to claim 49, Alexander teaches an integral unit for measuring viewer behavior related to television content displayed on a television, the television being situated in one of a plurality of viewing premises (Column 28 lines 30-32 teaches an

EPG that monitors a viewers actions; Column 5 lines 20-53 teaches an embodiment of the unit the EPG resides on), but fails to teach the viewing premises being at a public location, the public location being at least one of a hotel, a bar, a hospital, an office, an airport, a train station, and a bus station.

Erlin teaches viewing premises being at a public location, the public location being at least one of a hotel, a bar, a hospital, an office, an airport, a train station, and a bus station (Column 2 lines 63-65 teaches a hotel as a viewing premise; Column 3 lines 10-13 teaches the remote transmits signals to a set top box element 40 in Figure 4).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the viewing premise function/device of Alexander using a hotel as a viewing premise function/device of Erlin for the purpose of transmitting financial data read from the magnetic stripe of the card to a receiver that is equipped to receive the data (Column 1 lines 58-61 Erlin).

(See claim 29 for the rest of the rejection to the limitations of this claim)

Referring to claim 56, see rejection of claim 38.

Referring to claim 62, see rejection of claim 44.

Referring to claim 72, see rejection of claim 38.

Referring to claim 78, see rejection of claim 44.

Claim 46, 64, 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (U.S. 6177931 B1) in view of Wignot (U.S. 5532733 B1).

Referring to claim 46, Alexander teaches all the limitations of claim 29, but fails to teach wherein the television is a cable-ready television.

Wignot teaches wherein the television is a cable-ready television (Column 3 lines 5-59).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the television function/device of Alexander using the cable ready television function/device of Wignot for the purpose of allowing viewers to use the tuner of their cable ready television to tune nonscrambled channels directly (Column 1 lines 28-30 Wignot).

Referring to claim 64, see rejection of claim 46.

Referring to claim 80, see rejection of claim 46.

Claim 47, 65, 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (U.S. 6177931 B1) in view of Bellamy (U.S. 6209025 B1).

Referring to claim 47, Alexander teaches all the limitations of claim 29, but fails to teach wherein the television is a personal computer

Bellamy teaches wherein the television is a personal computer (Figure 1 teaches element 5 a set top box connected to element 10 a PC).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the television function/device of Alexander using the personal computer function/device of Bellamy for the purpose of utilizing system intelligence with a connection from a set top box to receive enhance feature requests originating from a user remote control device (Column 2 lines 21-25 Bellamy).

Referring to claim 65, see rejection of claim 47.

Referring to claim 81, see rejection of claim 47.

Claim 48, 66, 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (U.S. 6177931 B1) in view of Armstrong et al. (U.S. 6604224 B1).

Referring to claim 48, Alexander teaches all the limitations in claim 29, but fails to teach wherein the programming and advertising content is transmitted to the television via at least one of a television communication system, a telephone system, a wireless communication system and a fiber optic communication system.

Armstrong teaches wherein the programming and advertising content is transmitted to the television via at least one of a television communication system, a telephone system, a wireless communication system and a fiber optic communication system (Column 5 lines 7-11).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the communication system function/device of Alexander using the fiber optic communication system function/device of Armstrong for the purpose of having both of the forward channels that transport information to the set to terminals must be able to carry unidirectional asynchronous packetized data such as that defined in the MPEG video and audio signal transmission protocol (Column 5 lines 15-20 Armstrong).

Referring to claim 66, see rejection of claim 48.

Referring to claim 82, see rejection of claim 48.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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